

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUSANNA MIRKIN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

XOOM ENERGY, LLC and
XOOM ENERGY NEW YORK, LLC

Defendants.

Case No. 18 Civ. 2949 (ARR) (JAM)

**PLAINTIFFS' NOTICE OF MOTION
FOR RECONSIDERATION**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 60(b) and Rule 6.3 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York, Plaintiff Susanna Mirkin and the Class ("Plaintiff"), by their undersigned attorneys, will move the Court before the Honorable Judge Allyne R. Ross, at the United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on such day and time as counsel may be heard, for an Order granting Plaintiff's Motion for Reconsideration of and Relief from the Court's September 11, 2024 Order (Dkt. No. 267).

In support of this Motion, Plaintiff relies on the accompanying Memorandum of Law. As outlined in the accompanying Memorandum, Plaintiff seeks the Court to reconsider its September 11, 2024 Order and permit Plaintiff to either: (1) correct the calculation error from Plaintiff's original expert report's Model 2 and update it to incorporate XOOM's supplemental Class data production and present it to the jury at trial; or (2) present Plaintiff's amended expert report's Model C to the jury at trial.

Dated: October 4, 2024
New York, New York

Respectfully submitted,

/s/ Ethan D. Roman

Ethan D. Roman

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2024, the foregoing was served via email on all counsel of record.

By: /s/ Ethan D. Roman
Ethan D. Roman